



October 8, 1999

Ms. Betty Chrisman
Appliance Rulemaking Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Docket Number 98-A&B-1
Preliminary comments for workshop on October 14, 1999

Dear Ms. Chrisman:

NEMA is a national trade association representing companies that are involved in the generation, transmission, distribution and control of electrical energy. Our 550 member companies generate over \$100 billion in sales each year and employ over 500,000 people in the United States. We appreciate the opportunity to provide these comments on Docket 98-A+B-1.

We recognize the Commission's support for energy efficiency and long history in this area, but we do not believe an appliance standards program for federally regulated products is required.

The following is in response to the questions asked in the Notice of Staff Workshop dated September 30, 1999.

1. Should there be 60-day notice before a model may be sold in California?

California should not require a 60-day notice before a model may be sold in California. This requirement would cause undue hardship on manufacturers without providing benefit to consumers. Ballasts and lamps are sold as commodities and are shipped to distribution centers throughout the U.S.

2. Should there be notice within 10 days of when a model ceases to be sold in California?

Manufacturers should not be required to notify the State of California within 10 days after the cessation of a model. See question 1.

3. Should the date of manufacture be marked on all appliances?

The date of manufacturer should not be required to be marked on all appliances.

National Electrical
Manufacturers Association

Most models of ballasts, lamps, and electric motors have date codes. However, most of these products are never seen by the consumer, therefore, requiring the date to be on the product would raise the cost of the product without providing any information to the consumer.

1300 North 17th Street, Suite 1
Rosslyn, VA 22209
(703) 841-3200
FAX: (703) 841-5900
WEB: <http://www.nema.org>

4. Should all appliances be required to show the model number on the nameplate?

Again, the manufacturers label their products differently and requiring the model number on the nameplate of an item that may never be seen by the consumer is useless.

5. Is it appropriate to have approval of testing laboratories, or requirements for laboratories?

It is not appropriate for California to have to approve testing laboratories, or requirements for laboratories. Manufacturers have spent significant time and money to ensure that their laboratories can consistently provide accurate data on the energy efficiency of their products. This requirement would also require the California Energy Commission to expend taxpayer money with no benefit to consumers. It would be very difficult for the CEC to monitor and enforce this provision of the regulation. Lamp manufacturers currently have accredited laboratories. The National Voluntary Laboratory Accreditation Program (NVLAP) has accredited these labs.

6. For enforcement purposes, should the DOE sampling procedures or the California mean-of-two samples procedure be used for NAECA covered products?

The DOE sampling procedures should be used for all certification and enforcement actions. NEMA does not believe that the CEC has the authority to enforce the federal energy efficiency standards. If the CEC believes that a product does not meet the standards, the CEC should notify the US Department of Energy. The DOE is responsible for enforcing the federal standards.

7. Should there be 45-day review by CEC of manufacturer submittals?

NEMA believes Federal law preempts any state requiring manufacturers to disclose any information relating to energy consumption of lamps or other covered products, other than information expressly required to be disclosed under federal labeling rules in accordance with federal test procedures.

9. What marking requirements, if any, should there be for commercial (EPA) products?

Additional labels on these products for the purpose of displaying their efficiency would be unduly burdensome when compared to the negligible benefit. Consumers generally do not see the product they are purchasing in the commercial and industrial market.

We appreciate the opportunity to comment on the above issues and look forward to discussing them further on October 14th.

Sincerely,



Anthony T. Balducci

